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July 13, 2012

ELECTRONICALLY FILED

Honorable Jose L. Linares, U.S.D.J.
Martin Luther King, Jr. U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

RE: United States v. Joseph Belasco
Criminal No. 12-73 (JL)

Dear Judge Linares:

We represent Defendant. By conforming Letter Order filed May 8, 2012 [Doc. 10], the Court granted the parties' joint request to extend the dates prescribed in the in Complex Case Order filed February 27, 2012 [Doc. 8] by at least sixty (60) days without prescribing any new dates. We respectfully submit this letter to update the Court on the parties' continuing efforts regarding discovery and to propose a filing date for Defendant's pretrial motions.

This case involves a decade-long contractual relationship between the Defendant's company and the alleged victim, Pepsi Bottling Group ("PBG"). Following the Government's initial production of discovery materials, we requested that it obtain from PBG and produce to us certain additional materials. The Government has obtained and produced certain requested materials and is awaiting responses from PBG regarding other such materials.

Based on the materials produced to date, and to avoid unnecessary motion practice, we recently requested that the Government consent to the issuance of a Rule 17(c) subpoena to PBG seeking all materials, including electronically stored information ("ESI"), pertaining to the contractual relationship at issue. The Government has discussed that request with PBG and is awaiting additional feedback from it in an effort to obviate the need for such a subpoena. We have agreed to defer requesting that the Court issue such a subpoena pending that response.

Accordingly, the parties' jointly propose that Defendant's pretrial motions be filed by Friday, September 14, 2012, or approximately sixty (60) days from today's date.

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Thank you for considering this submission.

Respectfully,

s/ David W. Fassett

cc: V. Grady O'Malley, AUSA
John A. Azzarello, Esq.
Joseph Belasco

SO ORDERED:



Honorable Jose L. Linares, U.S.D.J.

7/17/2012